92-867

NO.

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES
October Term,1992

IN RE: EARLENE POLYAK

Petitioner

PETITION FOR EXTRAORDINARY WRIT
TO THE UNITED STATES COURT OF APPEALS
AND THE UNITED STATES DISTRICT COURT
FOR THE SIXTH CIRCUIT

EARLENE POLYAK
4063 Hood Road
Palm Beach Gardens
Florida 33410
(407) 627-3564

QUESTIONS PRESENTED

1.Does the Civil Rights Act of 1964, as amended in Public Law 102-166 on November 21, 1991, provide relief from intentional discrimination and discriminatory practices, against federally protected rights include the exclusion from United States Department of Agriculture alloted burley tobacco, under Equal Employment Opportunity for disability sex race and sex?

2.Is the enjoin in the District court and injunction in the Court of Appeals in violation of Title I Federal Civil rights Remedies in revised 42 U.S.C. 1981 in right of "(a)" party to sue?

3Is the disregard of Public Law 120-166 in the Sixth Circuit in conflict with the Ninth Circuit, and should the Sixth Circuit be allowed to continue disregarding new legislation?

4.Is the forced payment of survey charge by one, when joint tenancy in violation of law?

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IN RE: EARLENE POLYAK

Petitioner

PETITION FOR EXTRAORDINARY WRIT
TO THE UNITED STATES COURT OF APPEALS
AND THE UNITED STATES DISTRICT COURT
FOR THE SIXTH CIRCUIT

Petitioner prays that an Extraordinary Writ issue to the United States Court of Appeals and the United States District Court,Columbia Division, Middle District of Tennessee to review intentional disregard of intentional discrimination against federal rights pursuant to Civil Rights Act 1964,as amended in Public Law 102-166, where a clear and indisputable right, and there are no other means for relief, pursuant 28 U.S.C. 1651(a).

Cases Nos:92-8540(D.C. 1:85-0120)Buford Evans & Sons v Earlene Polyak(Counter-claim); 92-8546(1:85-0116:Earlene Polyak v Jim Hamilton et al.,; 92-8545(1:86-0036 Earlene Polyak v William Boston and Boston Bates & Holt;92-8504; 8533; 5084(D.C. 3- 92-0074 Earlene Polyak v Edward Madigan U.S. Secretary of Agriculture.

OPINIONS BELOW

The opinions of the United States Court of Appeals are set forth in Appendix A.The opinions of the United States District Court, Columbia Division are set forth in Appendix B. And any related opinions are set forth in Apppendix C.

JURISDICTION

The jurisdiction of this Supreme Court is invoked in Civil Rights Act of 1964, Title VI VII, under which the Agricultural Adjustment Act of 1938 prohibits discrimination against disability, age, sex, race and National orgin, as amended in Public law 102-166, to strengthen the civil rights, and 42 U.S.C 42 U.S.C. 1981 in thr right of "(a)" party to appeal.

This Supreme Court has jurisdiction pursuant to Writ of Mandamus 28 U.S.C. 1651(a).

This Supreme court has jurisdiction within 90 days timely petition for writ in 92-5246 (1:85-0116) Earlene Polyak v Jim Hamiton,State Judge et al, denied on August 17, 1992.

This Supreme Court has juriction invoked under Article III Sec., 2 , which states that all judicial power shall extend to all cases of law and equity, between citizens of different states.

This jurisdiction is invoked in statutes 42 U.S.C. 1981,1982 and 1983; 28 U.S.C. 1443, 28 U.S.C. 2403; Civil rights Act 1964, Agricultural Adjustment Act of 1938, Title VI VII Equal Employment Opportunity; and Public Law 102-166, Glass Ceiling Act, Fifth, Seventh and Fourteenth Amendments and other pertinent legislation.

The federal and constitutional questions of intentional discrimination against federal right to matters of law and equity.

CONSTITUTIONAL PROVISIONS

The pertinent portion of the Fifth Amendment provides as follows:

> No...person shall be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use, without just compensation.

U.S. Const.Amen. V Cl 3&4.

The pertinent portion of the Seventh Amendment provides as follows:

> ...where the value in controversy shall exceed twenty dollars, the right to a jury trial shall be preserved.

U.S. Const. VII.

The pertinent portion of the Fourteenth Amendment provides as follows;

> No state shall Make or enforce any law which shall abridge the priveliges or immunities of citizens of the United States; Nor shall any state depriveany person of life, liberty, or property, without due process of law.

U.S. Const.Amen XIV.

28 U.S.C. 1443: Any of the following commences in a state Court may be removed by defendant to district court.

> (1) Against any person who is denied or or cannot enforce in the courts of such state a law providing for the equal civil rights of citizens of the United STates.
>
> (2) For any Act under the color of authority deprived from any law providing for equal rights.

42 U.S.C. 1981:

> All persons"(a)" person within the jurisdiction of the United STates shall have the same right to sue, ...to the full and equal benefit of all laws.

42 U.S.C. 1982:

> All persons of the United States shall have the same right in every state ... to inherit purchase lease and convey real personal property.

42 U.S.C. 1983:

> Every person, who under the color of any statute, ordinance, regulation, custom or usuage of any state...subject of cause to be subjected any citizen of the United States or person within its jurisdiction thereto the deprivation of rights and privelages secured by the constitution and laws shall be liable at law and equity or other proceeding for the parties.

28 U.S.C. 2403:

> In any action...where the constitutionality of a statute affecting Public interest drawn into question.

PUBLIC LAW 102-166 signed November 21, 1991.

> ...to amend the Civil Rights Act of 1964 to strengthen and improve federal civil rights laws, to prohibit intentional employment discrimination, to clarify provisions regarding disparate inpact actions, and for other purposes.

STATEMENT OF THE CASE

Petitioner prays that an extraordinary writ issue from this Supreme Court to review the intentional disregard of due process in the intentional discrimination against federal rights

to United States Department of Agriculture alloted burley tobacco which has been grown on Farm No. V1754(3148) where pro se has a CLEAR AND INDISPUTABLE RIGHT TO RELIEF sought, since the Agricultural Adjustment Act of 1938.This untimely notice on June 21,199)(App Cp.58-59).

The United States Court of Appeals continues to affirm the abuse of discretion and conflict of interest in disregard of NEW EVIDENCE and NEW LAWS, for various persons in the United States District court, Columbia Division, Nashville, Tennessee (App p.46-47-48).

In addition to affirming the denial of due process of jury trial in docket control in enjoin sanction imposed by the Honorable Thomas A Wiseman in the District Court, the Court of Appeals has"ordered that Earlene Polyak be enjoined rom filing, insitituting, continuing or prosecuting any civil action in this or any other federal court in this Circuit..."

This injunction right to sue and appeal

with regard to Tennessee real estate was before KEITH and NELSON, and RYAN Circuit Judges,filed on October 20, 1992, and attached to order affirming the denial of motion to set aside the order and Complaint and Demand for Jury trial for damages in 92-5240 (D.C 1:85-0120 Buford Evans & Sons v Earlene Polyak (counter-claim in the District Court) filed on October 20, 1992 (App. A. p. 2,3,4,5,6,7).

This injunction is issued while denial of motion to set aside and complaint and jury trial demand for damages in compensation on August 18, 1992 92-5246(D.C. 1:85-0116) Earlene Polyak v Jim Hamilton and the Circuit Court of Lawrence County(App. A. p.9).

Contrary to order Judge Hamilton denied due process to forward records in Buford Evans "wrongful lawsuit" to state court in denial of Appeal as a right Rule 3 TRcivP(App.Bp.25,26,27).

1:85-0120 was joined to 1:85-0116 under 28 U.S.C. 1441(c) in removal to appeal from state to U.S. District Court in 1985 28 U.S.C. 1443(1)(2).

The Court of Appeals and District Court disregard removal under 28 U.S.C 1441(c), and separate 1:85-0120 from 1:85-0116 initial enjoin from filing complaints to denial appeal 0120 in Lawrence County on November 13, 1985(App.B. 25).

On April 30, 1986 in an order to Mr. John P. Hehman Clerk U.S. Court of Appeals,the Honorable Thomas A. Wiseman stated"That order was entered because of Mrs Polyak's filing against the various persons in this Court...she should be severly sanctioned therefor..."

Petitioner requests that extraordinary writ issue to delay in ten (10) month,delay in appeal filed on February 12, 1992 in 92-5245(1:86-0036 Earlene Polyak v William Boston and Boston Bates & Holt pending U.S. Appeals(App.p.29,30,31,32,34)

The District Court uses plaintff's hospital ization with heart-failure to dismiss 1:86-0036.

Both Robert Boston and Buford Evans have leins against plaintiff's soly owned property in Lawrence County as of review July 30,1992(A.2).

Petitioner contends that the above persons including Frank Hulen and Wilma Lesnansky

are necessary Defendants sau sponte from D.C. 3-92-0074 Earlene Polyak v Edward Madigan U.S. Secretary of Agriculture complaint and demand for jury trial for relief in damages in the intentional discrimination against federal rights to federally alloted burley quota since Agricultural Adjustment Act of 1938 on Farm V1754(3148).These necessary Defendants removed by Judge(App.Bp.49-50)

The District Court delayed filing 3-92-0074 until this case included in delayed filing 1:85-0116,1:85-0120;1-0125,1:86-0036 and 1:87-0075 in petition for writ of mandamus No. 91-5084(App. A.p. 12,13,14,15,16,17,18,21,22).

The Court of Appeals denied filing application for permission to appeal sau sponte removal of necessary Defendants 92-8541(App.A.

The Court of appeals denied writ of mandamus to reinstate necessary Defendants removed sau sponte from complaint 3-92-007 in 92-8533 (App. A.12,13,14,15,16,17,18,21,22).

The Court of Appeals denied Petition for TITLE IV REVIEW of Administrative officers

as a petition for writ of mandamus to review 3-92-0074 in 92-5966 (App. Ap.16).

Petitioner petitioned for a second writ of mandamus when the Honorable Thomas A. Higgins impusively dismissed all of the cases on Robert Boston's demand for sanction in case 1:84-0082 Frank Hulen and Wilma Lesnansky v Earlene Polyak on October 6, 1992without consent to Magistrate.

Judge Higgins dismissed already appealed orders in 1:85-0125 Earlene Polyak v Thomas Stack and Hunry Henry Stack($105.00).

Judge Higgins dismissed already appealed 1:84-0083 Earlene Polyak v Frank Hulen and Wilma Lesnansky already appealed for one hundred five ($105.00) but the Clerk delays receipt(App.B42).

Judge Higgins then pulled cases on which there was not any action and dismissed 1:85-0116 Polyak v Hamilton et al., in Court of Appeals pending writ of certiorari 92-5346(AppAp9).

Judge Higgins dismissed 1:87-0075 pending re consideration in the District Court(App.B.p44).

Judge Higgins dismissed 92- 5245(1:86-0036

D.C Polyak v Boston et al.) which is pending in delayed action in the Court of Appeals for over ten (10) months (App. B.31.32.32 ,34).

The Court of Appeals has marked over joint Appendix in 92-2337, unrelated complaint against Internal Revenue in Southern District of Florida 91-5206 with 92-5245, Boston v Polyak et al.,and 91-5451 with 92-5456 Polyak v Hamilton.The Clerk continues to error in assignment to D.C.(App.A24)

Judge Higgins included in blanket dismissal on October 6, 1992, 1:85-0120 Buford Evans & Son v Earlene Polyak(counter-claim App.A 2 B25).

Judge Higgins allowed appeal, to dismissal which cost one hundred five (`105.00) a total seven hundred thirty-five (735.00) dollars, but injunction issued on on October 20, 1992, denied right to sue 42 U.S.C. 1981, and Right of Appeal Rule 3 Federal Rules of Civil Procedure App. A. p.

Petitioner found letter from Ben Boston sub materials underlined by Robert Boston's representation of Judge Hamilton and Courts (App.Cp54,55)

REASONS WHY WRIT SHOULD ISSUE

The reasons why this extraordinary writ should issue is that it will be an aid to this Supreme Court appellate jurisdiction to review the exceptional circumstances in intentional disregard of intentional discrimination against federal rights in new legislation pursuant to the Civil Rights Act of 1964,as amended in Public Law 102-166,where there is a clear and indisputable right, and there are no other means for relief other tham 28 U.S.C. 1651(a).

The Civil Rights Act of 1964, as amended Public Law 102-166, to strengthen civil rights and 42 U.S.C. 1981 in the right of"(a)" party to sue is new legislation passed on November 21 1991.

This extraordinary writ will be and aid in appellate jurisdiction to review the disregard of this new legislation in the United States District Court as affirmed in injunction against right to sue 1981, and Right to Appeal Rule 3 FRcivP in the Court of Appeals for the

Sixth Circuit.

This extraordinary writ will be of further aid in appellate jurisdiction in comparing the intentional disregard of new legislation by the states in the Sixth circuit, with the acceptance of this new legislation by states in other Circuits, and the ultimate resolution of this conflict between the states in the ruling of the constitutionality, and whether it applies to pre-Act conduct.

> On october 6,1992 the Nineth Circuit handed down Davis v City and County of San Franscio, No. 91-15113,Judge Fletcher, joined by Judges Goodwin and Brunetti unanimously held,,, that the plain language of the Act showed that it was intended to apply to pending cases and pre-Act conduct which can still be challenged.

1. THE COURT OF APPEALS AFFIRMS DENIAL OF DUE PROCESS AND RIGHT TO SUE IN DEPRIVATION OF CIVIL AND CONSTITUTIONAL RIGHTS AND LAWS

The Court of Appeals affirms the denial of due process of jury trial and right to sue to landowner provided protection in the Civil Right Act of 1964, Title VI VII under which the Agricultural Adjustment Act of 1938 protects Equal Employment Opportunity and prohibits discrimi-

nation disability, sex, race, age, and national origin, as amended in Public law 102-166, and 42 U.S.C. 1981 in the right of "(a)"party to sue.

The District Court intentionally disregards the intentional discrimination against federal right to United States Department of Agriculture alloted burley tobacco quota on Farm V1754(3148).

The District Court delayed filing conplaint and demand for jury trial for relief until after writ of mandamus 92-5084, but filed as general docket in 3-92-0074 Earlene Polyak v Edward Madigan U.S. Secretary of Agriculture.

The District Judge removed sau sponte necessary Defendants for complaint. The Court of Appeals has affirmed the removal of necessary Defendants in denial of Application for permission to appeal 92-8566, denied writ of mandamus to return necessary Defendants to Complaint 92-8533, and denied TITLE IV REVIEW as a writ of mandamus 92- 8541 at cost three hundrd dollars.

The District Court has dismissed all complaints to set aside order and schedule jury trial for relief in compensatory and punitive

damages allowed under Public Law 102-166.

The District Court intentionally disregards new evicence of intentional discrimination in the denial of federal rights to alloted burley tobacco to Farm 3148 since Agricultural Adjustment Act of 1938.

The District court intentionally disregards new evicence on intentional discrimination in referance to these exhibits as papers.

In 1987, five hundred thirty five (535) pounds of burley tobacco was transferred from Farm 3148 without Petitioner's signature. Sec. 318 of 1938 Act provides that transfer bear the signature of both operator and landowner.

In 1988, one thousand five hundred twenty-five (525) pounds alloted burley transferred without Petitioner's signature in violation of Sec. 318.

Five hundred twenty-six (526) pounds of burley grown on another farm sold on 3148 in violation of Act 1938 Title 18 SEc.1001 U.S. criminal code.

Petitioner has complained to the United

States Department of Agriculture about intentional discrimination against federal rights since burley tobacco grown on another farm sold in 1983, but complaints disregarded by Agricultural Conservation and Stabalization office in Lawrence County, and Petitioner did not receive any reports from Farm 3148 for nine(9) years.

On June 21, 1990, Jeff Beecham ASCS Director sent untimely letter that burley quota of one thousand nine hundred forty-six (1946)pounds would be lost if burley was not transferred by July 2, 1990, a deadline of six(6) days notification.Petitioner pays one third taxes($80.00).

On March 3, 1991, Mr. Beecham notified Petitioner that entire USDA burley allotement lost to Farm 3148 during nine years.

Mr. Beecham sent a false statement alleging Petitioner gave permission to sign for her, but Petitioner is Co-Administrator of Farm 3148 and has never given anyone permission to sign or appear in proxy for her.

Plaintiff submitted Complaint and Demand for jury trial for compensatory and punitive

damages pupursuant Public Law 102-166.

2. THE COURT OF APPEALS AFFIRMS DISTRICT COURT INTENTIONAL DISREGARD OF INTENTIONAL DISCRIMINATION AGAINST FEDERAL RIGHTS

The Court of Appeals affirms the District intentional disregard of intentional discriminat ion against federal rights to USDA alloted burley to Farm no. 3148 in violation of Rule 60.02 Fraud(whether internal or external) by adverse parties Federal rules of Civil procedures.

Petitioner contends that all appeal order timely within one month, to one year after the Supreme Court. and that the Court by its own motion can set aside order and schedule jury trials for compensatory and punitive damages.

On November 13, 1985, Judge Wiseman enjoin ed pro se from filing complaints regarding her properties in lawrence County(Tennessee) in 1: 85-0116 Earlene Polyak v jim Hamilton and the Circuit court of Lawrence county.

On April 30, 1986, Judge wiseman stated in in a letter to Johm P. Hehman, Clerk of Court of Appeals,"that order was entered because of Mrs.

filing against the various persons in this Court...she should be severly sanctioned therefor..." All appeals to the Court of Appeals have been dismissed in docket control without due process of oral agrument in this sanction.

In this order on 1985, Judge Wiseman gave the Honorable Jim Hamilton "judicial immunity " to sell propertyby various persons at Auction.

> Congress intended 1983 to be an independent prote tion of federal rigtsand there is nothing to suggest that Congress intended to expand the common law doctrine to insulate the state judgecompletely from federal review.United States vDetroit

The District Court disregards the intentional discrimination against federal rights to burley tobacco against Tennessee Statute partition in Kind 29-27-117. TCA 1932.

> If exact partition cannot be made without material injury to the parties or some one of them, the committe may make the partitions as nearly equal as they can and charge the larger shares with the sums necessary to equalize all shares.

The District Court disregards intentional discrimination against federal rights USDA burley tobacco protected by Tennessee statute.

> Fourteenth Amendment protection of property does not safeguard only the rights of undisputed ownership, but also extends protection to any significant property interest including statutory entitlements. Feuntis v Shevin, (1972) 407 US 92 S Ct 1983 32 L Ed 566.

The District Court disregards intentional discrimination against federal rights in plan to take property and remands Buford Evans & son back to the state to sell on set-up invalid lein

Mr. Evans went upon property and conducted invalid survey without Petitioner's knowledge or permission. The hand-drawn map by Buford Evan alleged to show that property could be equally divided for Thomas Stack Henry Henry & Stack, correlates with Item No. 2 in order alleging that property could not be divided equally by Boston Bates & Holt to sell at "Public Austion."

Thomas Stack did not enter evaluation of property, bills for improvements on property, memorandum brief or prepare for transcript of proceedings, or jury trial in negligence 85-0125.

> And some cases imply that permitting remand of pendent state claims denies defendant protection of the removal statute and encourages manipulative dismissals. In Re. Greyhound Lines v Detroit. 498 F 2d 884

Petitioner contends that writ issue to the District Court to include in intentional discrimination in summons to federal officers, summons to the above various persons in the District Court removed sau sponte on Judge Wiseman's order to sanction 1985, involved in the taking of 3148 of federally alloted burley to land being taken for sale at Public auction without jury trial.

William Boston and Boston Bates & Holt have held this land in probate for sixteen(16)years since settlemtnt by agreement to divide initiated by Wilma Lesnansky and Frank Hulen in 1976

Boston Bates & Holt divided loyalties in 1983, and sued for Frank Hulen and Wilma Lesnansky placing a restraing order against Petitioner to Farm 3148, and they allowed burley tobacco quota damage. These are necessary defendants removed sau sponte by Judge Higgins from Complaint and demand for a jury trial for relief for compensatory and punitive damages pursuant to Public Law 102-166 3-92-0074,

A party in Lawrenceburg Tennessee makes affidavit that notice of intended sale of Farm 3148, including Petitioner's travel trailer in the yard was in the lawrence County Advocate sometime in November 1987.

In addition to order to sell by Boston Bats & Holt in 1983, Robert Boston submitted an order to sell Farm 3148 for Petitioner's "interest therein" to the Honorable Jim Hamilton,state judge in Chancery Court to be signed in Circuit Court on August 21, 1987 for sale at "Auction."

Petitioner's "interest therein" 3148 including burley allotment since Agr Act 1938, has been sold at "Public Auction " without jury tria, without any compensation, without notification of time of sale, without notification of place of sale, without notification of amount of proceeds, and without entering order for right of redemption and without entering order for Right of Appeal Rule 3 FrcivP and TRcivP.

Petitioner did find any order to appeal on July 30, 1991, but she found what appears to be

instructions to Ben Boston, Brother of Robert Boston on corner of order underlining as Robert Boston's clients Judge Hamilton and the Chancery and Circuit Courts of Lawrence county(App. Cp.56

Petitioner has objected to Robert Boston representing his Father William Boston, Boston Bates & Holt, against her in this division of loyalties in violation of Professional Responsibility, but the Court of Appeals disregards this intentional discrimination against federal rights to compensation and punitive relief set forth in Public Law 102-166.

> Appellant's do not contend that state officials are immune from suits to restrain unconstitutional acts undertaken in their official capacities. the law clearly recognizes the right of an interested party to force state officials to act in accordance with the Constitution.Jorden v Gilliam,500 F2d 701 705 (1974).

3.THE COURT OF APPEALS DISREGARDS AND AFFIRMS DISREGARD OF INTENTIONAL DISCRIMINATION IN SANCTION AND DENIES RIGHT TO SUE FOR COMPENSATION AND PUNITIVE DAMAGES FOR PURSUANT TO PUBLIC LAW 102-166

The court of Appeals disregards the District Court disregard of intentional discrimination

against federal right to USDA burley tobacco since 1938, and imposes another injunction against Petitioner right to sue pursuant to 42 U.S.C. 1981 in the right of "(a) " party to sue.

This injunction allows for the sale of Petitioner's constitutional right without due process of law in jury trial by set up survey to make Petitioner pay for sale at Public Auction for leins of Buford Evans and Robert Boston, without or objections to any fees or sanctions imposed by any federal officer or state officers which can be alleged frivolous (lacking importance or significance) malicious (intention or desire to injure another) with a threat of civil contempt.

Petitioner does not have any knowledge or expertise in the legal profession, but she thought th courts were created for the relief of the people.The Court of Appeals has imposed this injunction after dismissing all appeals in docket control without due process of oral Argument and the First Amendment.

Petitioner contends that this information could not have been presented as total loss of USDA burley was not available in the only partial hear conducted in 1:85-0125 and New Evidence is ground to set aside on New Law 102-166, and the restorat ion of all sau sponte removed necessary Defendant to 3-92-0074.

Petitioner believes the bias of Judge Higgin in disregard for intentional discrimination is New Evidence in directed verdict without the Defendants taking the witness stand, or letting the case go the the jury. Judge Higgins asked Thomas Stack and Bruce Peden to stand and into-duced them to the jury as "lawyers," in open Court. Judge refused after many motions to rescue again.

Petitioner later overheard Judge Higgins advise a lawyer"I am a lawyer,I think in terms of one third.

Petitioner believes that Wilma Lesnansky's false testimoney is further grounds to set 1:85 0120 aside for a new trial.When she was confront

with evidence burley grown on another farm sold on 3148, she stated"why that is another kind of tobacco." It was a pestide report that 0.7 acre burley grown on Farm 3148.

Petitioner contends that the Court Reporter transcript of the trial(nartial hearing) on May 31, 1988 is invalid, but both Judge Higgins and the Court of Appeals denied pro se motions to verify transcript of proceedings. Robert Boston denied sale of property but testified that his "brother did something" on this property.This does not appear in the transcript.

In 1:86-0036 Petitioner was subjected to the jurisdiction of magistrate Kent Sandidge without her consent or permission on June 20, 1988 in violarion to 28 U.S.C. 636(c)91).She was subjected to the expesnes of traveling from Michigan to Tennessee for pre trial conference without notification. Judge Higgins was seen in another courtreem.

> and the relevant factors determinning whether an act of a judge is a "judicial one" relates to the nature of the act... Stump v Sparkman 436 US at 1107.

CONCLUSION

Petitioner prays that an extraordinary writ issue in to review these exceptional circumstances in which Petitioner is denied right to sue for compensation and puntive damages for intentional discrimination against federal rights pursuant to new Public law 102-166.

Petitioner seeks compensatory and punitive damages for all litigation,and the deed to her retirement home.

On the 12th day of November 1992.

Respectfully submitted,

Earlene Polyak(407)627-3564
4063 Hood road,
Palm Beqch Gardens,
Florida 33410

Certificate of Service

I certify that a true copy of the pleading has been mailed to The Honorable Thomas A wiseman, The Honorable thomas A. Higgins, U.S. District court, Nashville, Tennessee 37203,Solicitor General, Washington, D.C. 20543,Robert Boston 2100 One commerce Place, Nashville Tennessee, Henry Charles Burson Attorney General, Nashville, Tennessee, Samuel Warner,119S.1st St,Pulaski, Tennessee

Earlene Polyak

COUNTY OF Palm Beach
State of Florida

Notary Public

APPENDIX A

In the United States Court of Appeals for the Sixth Circuit.

Earlene Polyak v Jim Hamilton, Individually and Judicial Capicity as Circuit Judge and the circuit court of lawrence County No. 92-5246.

BEFORE: KEITH and BATCHELDER Circuit Judge and HOOD District Judge.

Denied: August 18, 1992

Buford Evans & Sons v Earlene Polyak(counter-claim No. 92-5240.

BEFORE: KEITH and NELSON and RYAN Circuit Judges.

Denied: October 20, 1992.

Earlene Polyak v Edward Madigah, U S.Secretary of the Department of Agriculture et al.

Denied: 92-5084(D.C. 3-92-0074)

Denied: 92-5966(D.C. 3-92-0074)

Denied: 92-8533(D.C. 3-92-0074

No. 92-5240
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS
Plaintiff-appellant FILED OCT 20 1992

v

EARLENE POLYAK

BEFORE: KEITH NELSON and RYAN Circuit Judges

Upon consideration of the court, it is hereby ordered that Mrs Earlene Polyak be enjoined filing, insitituting, continuing or prosecuting any civil action in this or any other federal court in this circuit without first obtaining leave of that court.

In seeking leave to file, Mrs Polyak shall certify that the claims she wishes to present are new claims mever before raised and disposed of on merits by any federal court. Such claims may not relate to or arise from the following: litigation originating from the partition sale of land in Tennessee inherited by Mrs Polyak and her siblings as tenants in common, objection to fees or sanctions for which ordinary review has been exhausted, or claims

aagainst any state or federal judge, officer, or employee for actions taken in the course of their official duties exercised in connection with Mrs. Polyak's litigation. She shall certify that her action is taken in good faith and that the claims she raises are not frivolous or malicious.

a motion for leave to appeal must be captioned "Application Pursuant to Court Order Seeking leave to file, and Mrs Polyak must affix a copy of this order to that motion. Failure to comply strictly with the terms of this injunction will be grounds for summarily denying leave to file. Claims considered malicious, frivolous or brought in bad faith may be grounds for civil contempt proceedings.

The following proceedings shall govern any appeals in this court by Earlene Polyak until such time as the Court may order otherwise.

Upon timely receipt of a complete petition for leave to appeal, the court shall direct the clerk of the appropriate lower court to transmit the full record of the underlying case. No

further proceeding shall take place in this court, nor shall any other filing be accepted, until this court has reviewed the question and the record to determine whether Mrs Polyak's appeal presents a colorable claim. This injunction applies to all appeals to all appeals and other actions commenced after the date on which this order is filed.

ENTERED BY ORDER OF THE COURT

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

BUFORD EVANS & SONS

Plaintiff- Appellee FILED OCT 20 1992

v

92-5240

EARLENE POLYAK COUNTER-CLAIM

This pro se appeals from the district court order denying her Motion to Set Aside Order on New Evidence and Schedule Jury Trial"and her Complaint and demand for jury trial Demand" This Case has been referred to a panel of the court pursuant to Rule 9(a). Rules of the Sixth Circuit.. This panel unaminously agrees that oral argument is not needed FR AP. 34(a).

In 1985, Mrs polyak sought to remove a state court action in which a real estate Appraiser sought compensation from Mrs Polyak for professional services rendered on Mrs Polyak's behalf in her original attempt to prevent a partition sale of land she had inherited with her siblings in common. The district court denied the petition for removal in an order on

November 26, 1985.

The district court remanded the case to the removal petition did not comply with 28 USC 1446, as it was not filed within thirty days,the amount in controversy was less that `10,000.00 the petition was not verified, ther required state court pleading s were not filed. Polyak moved to set aside the district court's 1985 order remanding the case to Tennessee state court.

Upon review, we find no error. The district court remanded this case because it was without jurisdiction under USC 1446. No amount of"new" or newly discovered evidence concering the merit can effect a cure. See Chilson v Metropolitan Transit Authority 796 F 2d 69(5th Cir 1986)(distinction between new and newly discovered evidence discussed) Polyak 's evidence is not new but but has been used over and over again by her in an attempt to relitigate the disputed property's partition (sic sale). Mrs claims are barred by res judicata. See Migra v Warren v Warren city School Dist Bd of Ed. 465 75 (1984)

The order of the district court is affirmed Rule 9(b)(3) Rules of the Sixth circuit

We take judicial notice of the fifty appeal and origitnal actions filed by Polyak in this court. Polyak continues to file frivilous cases concerining the partition sale and its related litigation. These filings must end.We order that Polyak show cause in writing not later than thirty days from the date of this order why an injunction should not issue,prohibiting further appeals by Mrs polyak with regard to the Tennessee real estate, the state trial, or the state appellate procedures. A copy of the proposed injunction is attached hereto as an appendix.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green Clerk

No. 92-5246
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK FILED AUG 18 1992

Plaintiff-Appellant No. 92-5246

v

JIM T. HAMILTON, individually,
and Judicial Capacity as
CIRCUIT JUDGE AND THE CIRCUIT
COURT OF LAWRENCE COUNTY

BEFORE: KEITH and BATCHELDER Circuit judges, and HOOD District Judge.

Earlene polyak proceeding without assistance of counsel, appeals from the order of the district court denying her Motion to Set Aside Order on New Evidence and Schedule Jury Trial. This case has been referred to a p of the court pursuant to Ru 9(b)(3)(a).

Seeking moneta damages injunctive relief and a protective order Polyak brought suit under 42 USC 1983, against a Tennessee Judge Jim T. Hamilton, and the Lawrence County Circuit Court. Polyak sought the restraining order to prevent partition sale of property inherited with her siblings as tenants in common which has been

the subject the subject of litigation in Judge Hamilton's Court. the district court sau sponte dismissed the complaint with prejudice, characterizing Mrs Polyak's case as frivilous malicious and harassing. The district court also enjoined Polyak from filling further litigation surrounding the state litigation involving the partition sale, without expres permission of the court. This Court affirmed the district court's order dismissing Polyak's action, and denied her permission for hearing en banc on october 23, 1986.Petition for writ of certiorari was denied on July 29, 1987,and this Court's mandate issued September 26, 1987. A second petition for rehearing en bance dated September 28, 1987, seeking review of this court's affirmance of the district court was returned to mrs. Polyak because this court no longer had jruisdiction. A subsequent request to forward record, construed as motion to correct and modify the record on appeal was denied by the district court in July 1989.

In December 1991, Polyak moved to set aside the district court's order of dismissal on basis of new evidence. The district court denied Mrs. Polyak's request to reopen the case on grounds that no amount of new evidence can change the basic proposition that this action cannot be maintained, as asserted against a state judge and a state court, Upon review we find no error.

The order of the district court is hereby affirmed for the easons set forth in its memorandum dated December 31, 1991(Rul 9(b)(3).

No. 92-5084

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED JUN 18 1992

IN RE: EARLENE POLYAK

BEFORE NORRIS and SUHREINRICH, Circuit Judges
and CONTIE Senior Circuit Judge.

The Petitioner is a pro se litigant who sought from this court a writ of mandamus directing the district court to accept for filing three civil complaints had submitted.By order of April 14, 1992 we denied mandamus relief on grounds this court previously had affir med the district court's inovation of its order preventing the petitioner from filing new complaints without the Court's express approval. the petitioner now seeks a rehearing of April 14 order.

We have reviewed our prior order and the present petition for rhearing. We conclude the petitioner presents no new arguments which will warrant further review in this matter. Petition is denied.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green, Clerk

No. 92-5084

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: EARLENE POLYAK FILED APRL 14 1992

BEFORE: NORRIS AND SUHREHEINCH, Circuit Judges and CONTIE Senior Circuit Judge

the petitioner seeks a writ of mandamus directing the district court to accept for filing three complaints she subbmeiited, which were returned to her by the clerk. The refusal of the district court to file the complaints allegdely was a result of 1984 order of the district court instruction the clerk not to accept wothout express approval of the court any future complaints filed by the petitioner and pertaining to state court proceedings involving the partition sale of certain estate property in Tennessee.

The remedy of mandamus is a drastic one, to be invoked in extraordinary situations where the petitioner can show a clear and indisputable right to relief sought, In re American President Lines Ltd. 929 F 2d 226 227(6th Cir1991

This court previously has affirmed the district court's inovaction or its 1985 order to prevent the filing of new complaints pertaining to the property in question.See Hulen V Polyak 91-5655 /5656/5657 (sic Polyak v Stack). Unpublished order of November 15, 1991).We conclude the petitioner has not shown a clear and indisputable right to relief sought.moveover the petitioner had teh opportunity appellate review of district court's order by filing a notice of appeal.See Hadar Lewasing International Co v D.H. Overmyer Telecasting 776 F 2d 571(6th Cir).

the petition for writ of mandamus is denied.

ENTERED BY ORDER OF THE CLERK

Signed Leonard Green Clerk

No. 92-8541

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

Plaintiff-Petitioner FILED OCT 8 1992

v No.92-8541

EDWARDIGHA MADIGAN U.S.
Secretary of Agriculture et al.

BEFORE:RYAN SUHRHEINRICH, circuit judges and
ENGEL Senior Circuit Judge.

The petitioner is a proflic pro se litigant who has a civil action in the District Court. After that Court sau sponte dismissed certain defendants from the petitioner's Complaint, she applied for leave to appeal order. She also filed petition for writ of mandamus directing the district court to vacate that order. the district court entered order directing the parties to file scheduling order and and the petitioner filed a motion asking the district court to stay that order pending disposition of the application and petition before the court. The district court denied that order on August 20, 1992.

the petitioner has now submitted a docu-

ment "Application for Stay of order for Petition for Title IV Review. We construe that document as a petition for writ of mandamus directing the district court to stay proceeding.

the present petition is moot. the petitioner application for leave to appeal Case No. 92-8533 was denied by this court on August 10, 1992. The mandamus petition No. 92-5966 was denied on August 17, 1992. The basis for the petitioner's stay motion no longer existing there is no reason for this court to review the district court's denial of a stay.

It is ordered that a petition for a writ of mandamus is denied.*

ENTERED BY ORDER OF THE COURT

Signed Leonard Green Clerk

* This petition for TITLE IV REVIEW of the Administrative officers commissioners pursuant to Federal Rules of Appellate Procedure.

No. 92-5966

UNITED STATES COURT OF APPEALS

FOR THE SIXTH CIRCUIT

In re: EARLENE POLYAK

Petitioner

FILED SEPT 28 1992

BEFORE: KENNEDY AND JONES, Circuit judges, and CLEBRBREEZE Senior Circuit Judge

On August 17, 1992, this court entered an order denying the petitioner's request for a writ of mandamus directing the districtcourt to reinstate fourteen parties sua sponte dismissed from a civil action pending therein. The petitioner how seeks a rehearing of that order.

We have reviewed our prior order and the present petition for reheharing. We conclude the petitioner does not raise any factual or legal matters not already considered by the court in denying mandamus relief.

It is ordered that the petition for rehearing is denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green, Clerk

No. 92-8533

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

FILED SEPT 8 1992

Plaintiff-Petitioner

v

EDWARD MADIGAN ET AL.,

BEFORE: GUY and RYAN Circuit Judges, and CONTIE Senior Circuit judge.

On August 10, 1992, this Court denied the paliwiff's petiton for leave to appeal Introloctory order of the district court pursuant to 28 USC 1292(b) on grounds the district ocurt did not cerify its order for such an appeal.The Plaintiff now seeks a rehearing of her petition. She also moves for an order staying a scheduling order entered by the district court during the pendency of her petition herein.

The plaintiff advances no arguments in her present petition for rehearing which justifies further review by thei court.

It is ordered the petition for rehearing is denied.

ENTERED BY ORDER OF THE COURT
Signed Leonard Green Clerk

No. 92-8533

UNITED STATES COURT OF APPEALS
FOR THE SIXTHC IRCUIT

EARLENE POLYAK

Plaintiff-petitioner

v

EDWARD MADIGAN, et al.,

BEFORE: GUY RYAM Circuit Judges, and CONTIE, Senior Circuit judge

On May 12, 1992 the district court entered an order in this civil action sau sponte dismissing cer in additional defendants named in the plaintiff's amended complaint. The plaintiff now seeks leave to appeal that order under 28 USC 1292(b).

Section 1292(b) provides discretionary appellate review of introluctory orders certified by the district court as involving "a controlling question of law as which thres is a substantial ground for difference of opinion' and an immediate appeal of which " may materially advance the ulltimate termination of the litigation...."The district court has made no such certifiaction of its order. In the absence thereof, this court

will not grant interlocutory review under 1292 (Wiltse v Clarkson, 542 F 2d 363 (6th Ci -1976) order) Benton Harbor Madalleable Industrict v International Union UAW 355 F 2d 79 72(6th cir 1966)

It is ordered that petition for leave to appeal is denied.

ENTERED BY ORDER OF THE COURT

Signed Leonard Green, Clerk

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

Mr. Thomas A. Higgins
U.S. District Judge
A-845 Courthouse
Nashville, Tennessee

Re: 92-6374
In Re: Polyak
District Court no. 3-92-0074

Dear Judge Higgins:

We have today received and filed the enclosed document as a petition for writ of mandamus under Rule 21 FRAP.

The court has asked me to inquire if you wish respond to this petition prior to to this court's consideration.

In addition to any response you may wish to make, it would be helpful to the court to review a current copy of the docket sheet.

Very truly yours,

signed Leonard Green,clerk

APPENDIX B

In the United States District Court, Columbia Division, Middle District of Tennessee.

Earlene Polyak v Jim Hamilton, Individually and the circuit Court of lawrence County 1:85-0116.

Buford Evans & sons v Earlene polyak 1:85-0120.

Frank Hulen and wilma Lesnansky v Earlene Poiyak(counter-claim) 1:84-0082

Frank Hulen and Wilma Lesnansky v Earlene Polyak (Counter-claim) 1:87-0075.

Earlene Polyak v Frank Hulen and Wilma Lesnansky 1:84-0083.

Earlene Polyak v William Boston and Boston Bates & Holt 1:86-0036.

Earlene Polyak v Thomas Stack and Henry Henry & Stack 1:85-0125.

Earlene Polyak v Edward Madigan, Secretary of U.S. Department of Agriculture 3-92-0074.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

BUFORD EVANS

DEC 30 1991

v

No. 1:85-0120

EARLENE POLYAK

ORDER

In accordance with the memorandum ebtered, and insofar as plaintiff seeks to reopen the above styled case, her request to reopen this case is denied.

The Clerk is directed to file stamp a copy of the documents with the date of December 20, 1991, the date of this receipt, make entries on the docket reflecting the filing of these copies, and place the copies in the file in the above styled case.

It is so ordered.

Signed Thomas Higgins
United States District Judge

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

BUFORD EVANS & SONS FILED DEC 12 30 91

v

EARLENEPOLYAK COUNTER-CLAIM

MEMORANDUM

On December 20, 1991 plaintiff submitted a Motion to Set Aside Order on NEW EVIDENCE and a Complaint and Jury Trial Demand with attachments (sic NEW EVIDENCE). On those papers, plaintiff captioned the case with style Earlene Polyak v Jim Hamilton, Judge, Individually and Judicial Capacity, and the Circuit Court of lawrence county et al., She listed two case numbers 1:85-0116 which is case number Polyak v Hamilton, and 1:85-0120, which is no above.[2] In the body ot the her paper, she indicates she is joining these tro cases(sic case 1:85-0120 was joined under 28 U.S.C. 1441(c) to 1:85-0116.The cases are seprarate cases in this Court;they have not been consolidated otherwise joined. To the extent Mrs Polyak intends to submit these papers in both cases , the court is issuing sep-

arate memorandaand orders to correspond to two separate cases.

the above case was an attempt to remove a state court action(sic counter-claim) to this Court.By prder entered November 27, 1985, the honorable Thomas A. wiseman dismissed the case and remanded it to the circuit Court of Lawrence County, Tennessee. In that order, Judge wiseman held that removal (sic counter-claim) was not proper, because it was filed thirty days(when state court denied right of appeal Rule 3 FrcivP after her receipt of initiial pleading filed in state court. By order may 2, 1986, Judge rescued himself from all cases filed by mrs Polyak.

By order entered September 29, 1987, the Court set status conference in October 20, 1987. By motion filed October 20, 1987 plaintiff sought a continuance of status conference until April of 1988, which court denied the order entered October 27, 1987. When plaintiff failed (sic plaintiff was in Cardiac Unit of University of alabama and sent Telegram 10-27-87) to appear

There is no justification for reopening the at this point, in light of the complete lack of compliance with the removal statute 28 USC 1446 (sic 28 USC 1441(c).

To the extent that plaintiff seeks to re-open the above case the request is denied.

An appropriate order will enter.

Signed Thomas Higgins

2Next to case Number 1:85-0120 is (10647) in paraenthisis This number does not have relationship (sic Buford Evans & sons v Earlene Polyak denied forwarding records a-ppeal in state court) On page 2, she sta-tethat Judge Hamilton....on December 26, 1984,denied forward records for appeal on on November 7, 1985 No....10647
It appears that this number relates to a state court order.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILED FEB 12 1992

v 1:86-0036

WILLIAM BOSTON AND
BOSTON BATES & HOLT

NOTICE OF APPEAL:

Plaintiff gives notice of appeal the the abuse of discretion in conflict of interest and failure to rescue in continued discrimination in denial to file complaint and demand for jury trial on NEW EVIDENCE of wrongdoing and denial of petition for rehearing en banc January 24, 1992.

The Honorable Thomas A. Higgins denied fil ing complaint and demand for jury trial to start over case after return from the Supreme Court pursuant to FRcivP.Appellant appeals to this Courtfor the Sixth circuit. Complaint only acted upon after Writ of Mandamus to the Honorable Thomas A Wiseman on 1/23/92 (writ 92-5084) Appeal grounded in new civil rights Act 102-166 passed on November 21, 1991.

Plaintiff seeks relief on new evidence of

continued wrong in the loss of one thousand nine hundred forty-six(1946) pounds, and total loss of alloted United States department of Agriculture contract quota for Farm V1754(3148).She paid 1/3 times 235.94 Property Taxes for 1991, and during exclusion form crops since 1976. william Boston and Boston Bates & Holt hold land in 3148 in probate since 1976, in exclusion of Plianintiff EEOC.

On the 7th day of February, 1992.

Respectfully submitted

Earlene Polyak
Palm Beach Gardens
Florida 33410
(40&) 627-3564

I certify that a true copy of this pleading has been mailed to robert Boston 2100 One Commerce Place, nashville, Tennessee 37219.

Earlene Polyak

* to strengthen Civil Rights Act of 1964 Title VI EEOC

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED 12 30 91

V

WILLIAM BOSTON et al.

ORDER

In accordamce with the memorandum entered the clerk is directed to file stamp the Motion to Set Aside Order, Complaint and Deand for Jury Trial Demand, and accompanying document(sic exhibits of new evidence) as of December 17 1991, return a copy to plaintiff with December 17 file stamp, and place them in the file for the above-styled case. The clerk is further directed to return the 120.00 check to plaintiff.

The motion to reopen this case is denied.

Signed Thomas Higgins

Note: At September 15, 1989 pretrial conference, the Court dismissed this case from the bench. A written order dismissing the action was entered September 18, 1991. And robert Boston submitted two trnascripts to the Court.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

EARLENE POLYAK FILED 12 31 91

v 1-86-0036

WILLIAM BOSTON ET AL.,

MEMORANDUM

In yet another case, plaintiff attempts to relitigate a case already adjudicated (sic no no trial; by this court. In latest attempt, she has submitted a motion to set aside the order entered on September 15, 1989, and September 18, 1991, dismissing the case and a complaint and jury trial demand with accompanying exhibit (sic New Evidence).

As with previous submittions it is not clear whether Mrs. Ployak intends to submit a new action or submit documents in the same case. Inasmuch as she has submitted a giling fee it would appear that she is attempting to file a new action. In as much as she indicates on civil cover sheet that she intended that this action br einstated or reopened, and inas

much as she submitted a motion to set aside the the dismissal of case, the court will treat the papers as tendered in the above stylled case.

Although the Court would hope that plaintiff would discontinue her attempts to reopen cases previously adjudicated (sic no trial) the court is realistic in considering that bt be a vain hope. For any future submissions plaintiff is advised that it is not necessary to submit a filing fee unless she intends to institute a new action. Even closed sases need not be acconpanied by a filing fee.

The above case was dismissed by order entered September 18, 1989, after a scheduled pre trial conference on September 15, 19889, at which plaintiff failed to attend. That order was appealed to the to the court of appeals for the Sixth circuit and affirmed.

at that hearing the Court emphaiszed that the September 15, 1989 date of pretrial conference had been scheduled since June 27, 1989, and reconfirmed in order entered on August 31, 1989. On September 14, 1989, Plaintiff had

filed a motion to continue the pretrial conference, alleging health problems. Altjough she failed to attach verification of health problem she indicated that she would make the details of her medical treatment available on October 19, 1991. the scheduled date of the jury trial. it appeared to the Court that plaintiff anticipated a recovery between the time of pretrial conference and the date of date of jury trial. The Court stressed the importance of a final pretrial conference prior to the trial date. the Court found that plaintiff's motion to continue the pretrial conference was not well taken and because palintiff was not in attendance the case was dismissed.

The court will not now permit plaintiff to reopen a case that was dismissed for her failure to attend a scheduled pretrial conference.

theClerk is directed to file documents and return filing fee of `120.00 to plaintiff.

The motion to set aside the final order is denied.

Signed Thomas Higgins District Judge.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND WILMA LESNANSKY

v

FILED SEPT 23 1992
1:84-0082

EARLENE POLYAK (counter-claim

ORDER

Ms. Polyak has again attempted to relitigate this case by her most recent submission, entitled MOTION TO SET ASIDE FINAL ORDER AND SCHEDULE JURY TRIAL ON NEW EVIDENCE AND NEW LAW AND ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSTITUTIONAL AND FEDERAL RIGHTS AND INTERESTS received by the Clerk on September 18,1992.

This submi--ion is not the first time Mrs. Polyak has attempted to reopen this case.By order entered on March 21, 1991 her motion to set aside the judgment (no jury trial).

Ms. Polyak initiated this case in 1984 as an attempt to remove a state court action from the Chancery Court of lawrence county,Tennessee By order entered October 26, 1984 the court dismissed the removal petition as untimely(SIC THIS CASE NEVER TO STATE COURT) The judgment

is final(sic no jury trial) No amount of new evidence can alter the fact that the original removal petition was not timely filed(sic in 1984 District Court Court of Appeal to the state 42 usc 1443 (1)(2).

The MOTION TO SET ASIDE the final order in this case to schedule jury trial and to issue restraining order is denied. The Clerk is directed to file stamp the motion with date of receipt September 18, 1992, docket the motion and accompanying material(sic copies of fraud in burley tobacco in 9187-1988- 1990-1990 and violation of criminal code in 1983)and place all such papers in case file. The Clerkis further directed to return `120.00 filing fee to Mrs Polyak by certified mail.

Signed thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY

FILED OCT 6 1992

1:84-0082

v

EARLENE POLYAK

ORDER

On September 22, 2992, counsel for Frank Hulen and Wilma Lesnansky have filed a response to Mrs Polyak's Motion to Set Aside Final Order and Schedule Jury Trial on NEW EVIDENCE AND NEW LAW and ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSITUTIONAL POSSESSED RIGHTS AND INTERESTS. By order entered September 23, 1992 this court denied Mrs Polyak's above motion(sic COMPLAINT AND DEMAND FOR JURY TRIAL FOR RELIEF IN DAMAGES).Although filed before entry of order , the response did not come to this court's attention UNTIL AFTER THE ENTRY ORDER.

In his response MMR BOSTON asks the court to sanction Ms. Polyak for scandalous and absolutely false insinuation that he in any manner threatened Mrs. Polyak's life. the court is sum-

pathetic to Mr. boston's outrage. As Mr. Boston can well imagine,sanctioning Mrs Polyak as appro priate as that may be would inevitably spawn add dditional ancillary litigation, both in this court and in appellate courts--aresult contrary to this Court's efforts to curtail further liti- gation.

Ms. Polyak is admonished ordered and direc ted to refrain from any future assertions that are not grounded in fact.Should Mrs. Polyak fail to heed this admonition, order and direc- tion the court will refer this matter or any related Polyak litigation to the United States Attorney for the purpose of instituing criminal proceedings against Mrs Polyak,

the court also in receipt of a PETITION FOR REHEARING EN BANC filed by Mrs Polyak on October 2, 1992 addressed to the Chief Judge (Honorable Thomas A Wiseman sic). In this submi ssion Mrs. Polyak responds to mr boston's res- ponse ans seeks a rehearing by the entire court of this Court's order September 23, 1992, in which the Court denied her MOTION TO SET ASIDE

FINAL ORDER AND SCHEDULE JURY TRIAL ON NEW EVIDENCE AND NEW LAW(sic PUBLIC LAW 102-166) AND ISSUE RESTRAINING ORDER AGAINST TRANSFER OF CONSTITUTIONAL AND FEDERAL RIGHTS AND INTERESTS(Document. 54,55.58).There is no authority for en ban

The court's also share shares Ms. (sic Mr. Boston's) frustrations with the relentless attempts by Mrs Polyak to relitigate what has already been adjudicated (sic no jur trial) and tn thrawt the efficient operations of the Court this case has long since been dismissed.There is no justification for her continued efforts to relitigate (sic no jury trial) what has already been litigated(sic no jury trial) in the court. There is no need for this court to review any further submissions by Mrs Polyak in this case.

the court will not consider any further submissions by Mrs Polyak to relitigate this case. The clerk is directed to file stamp any papers submitted by Mrs Polyak to reopen the case, to set aside anyprevious rulings in this case for injunctive relief,for reconsideration of any previous ruling in this case, for a new

trialor any other similar papers submitted in an attempt to relitigate this case or any issues.No action will be taken by the court on any such papers, If Mrs Polyak submits a filing fee or any such papersthe clerk is directed to return such funds to her without the necessity of an order of the court. Should Mrs Polyak submit any appeal fee in conjunction with any appeal in this case the clerk is directed to accept any such fee.

Signed Thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILED SEPT23 99

V

1:84-0083

FRANK HULEN AND WILMA
LESNANSKY

ORDER

Ms Polyak has again attempted to reliti gate (sic no jury trial) this case by her most recent submission) Motion to Set Aside Final Order and Schedule Jury Trial on NEW EVIDENCE and NEW LAW and issue restraining order against transfer of Consitutional Rights and and Federal Rights and Interests received on September 18, 1992.

The original complaint was filed on October 18, 1992. TheCourt dismissed the Complaint on December 3, 1984. After all of the cases brought by Mrs Polyak was reassigned to the underassigned, a status conference was scheduled for October 30(sic October 28, 1987. at which Plaintiff failed to appear. This case was dismissed for failure to prosccute

(sic Plainitiff in CArdiac Unit of University of Alabama and Western Union verifies telegram October 27, 1987 at 11:00 a.m.).

This submission is not the first time Mrs Polyak has attempted to reopen case. On February of 1991, the plaintiff filed a motion to set aside final orderan by order entered march 21,1991 her motion was denied,The rational for denying February 1991 motion applies. The plaintiff asserts that several defendants are necessary defendants in Polyak v Madigan 3-92-0074 currently pending before the Court. these assertions should be addressed in Polyak v madigan.

The motion to set aside the final order in this case to schedule jury trial and to issue restraining order is denied.The Clerk is directed to file stamp the motion September 18, 1992 docket the motion and accompamying material NEW EVIDENCE of FRAUD .The Clerk is directed to return 120.00 filing fee to Mrs Polyak by certified mail.

Signed thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

FRANK HULEN AND
WILMA LESNANSKY

FILED OCT 6 1992

No. 1:87-0075

v

EARLENE POLYAK(counter-claim

ORDER

The Court is in receipt of a Petition for Rehearing En Banc filed by Mrs Polyak on September 26, 1992 addressed to the Chief Judge.By this submission, Mrs Polyak apparently seeks rehearing by the entire Court,in which the Court denied her Motion to sEt Aside Final order and Schedule Jury Trial on NEW EVIDENCE AND NEW LAW and Issue Restraining order against Transfer of Consitutional possessed Rights and Interests. There is no authority for an enbanc hearing, therefore the petition is denied.

The Court has reached its limits with Mrs. Polyak in this case and in other cases brought by Mrs Polyak in this court.This case has long since been dismissed. There is no justification for her continued efforts to religigate(sic no

jury trial)what has already been litigated(sic no jury trial) in this Court. There is no need need for this court to review any furthersubmissions by Mrs Polyakin this case.The Court will not consider any further submissions by Mrs Polyak to relitigate(sic no jury trial).

The Clerk is directed to stampfile any papers submitted by Mrs Polyak to reopen this case, to amend any pleadings, for rehearing, en banc or otehrwise for injunctive relief,for reconsideration of any previous ruling for a new trial, or any othe similar papers submitted in an attemptto relitigate (sic no jury trial) this case or issues therein. If Mrs Polyak submits afiling fee or any any funds with such papers the Clerk is directed to return such funds to her without necessity of an order from the court. Should Mrs Polyak submit any appeal fee in conjunction with any appeal the clerk is directed to accept any such appeal appeal fee.

Signed thomas A. Higgins.

3-92-0074

UNITED STATES DISTRICT COUT
MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

EARLENE POLYAK

V

FILED June 16 1992

3-92-0074

EDWARD MADIGAN ET AL.

ORDER

The court is in receipt of an amended compalint and Objections to this Court's order entered May 6, 1992 both filed by the plaintiff on May 29, 1992.

The court will contrue the plaintiff's objection as a motion to reconsider the order entered may 6, 1992, and as such denied the motion

In her amended complaint, the plaintiff notes that summons have been issued for and served upon defendants Jeff Beecham Jeff Hudson, Bobby tidwell and Edward madigan. She also lists the Attorney Gen al for the United States and United States Attorney fior this district are listed as defendants. The Clerk shall issue proces for the attorney General and United States Attorney.

Further, the plaintiff fourteen additional defendants most of which were the sub'ect of this court's May 6, 1992 order. It appears that the plaintiff will pursue any means to relitigat the previous lawsuits already adjudicated (sic no jury trials) including attempting to bring in as defendants those parties against whom she already litigated and who do not appear to have any relevance to this particular case.

The court threrfore, sau sponte dismissed the following defendants in this case: Buford Evans 7 sons;Wilma Lesnansky: Frank Hulen: Jim Hamilton: Charles Burson: Gerald Wilson: Geneva Frisbee; Robert Boston: Waller Lansden Dortch & Davis; Willkiam Boston and Boston Bates & Holt: Thomas Stack and Henry henry Henry 7 Stack: and the lawrence county Advocate. Although no summon have issued and there have been no service on these defendants, and they have not entered app earances, theClerk shall send copies of this order to these individuals.

As the court directed in its May 6 order,

the plaintiff may filed a motion asking that additional parties be added as defendants and that summons be issued for any and all of the people listed with support for her proprosition thst people are necessary defendantsin this law suit rather than simply defendants in previous litigated lawsuits filed in this Court.

Signed Thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK FILED 5/6/92

V

U.S. DEPARTMENT OF
AGRICULTURE et al.,

ORDER

The Court is in receipt of a letter from plaintiff to the Clerk of this Court, requesting that the Clerk issue summons (sic summon forms) in the above styled case for 14 defendants. These defendants are not mamed in the style of the com plaint nor were the all reffered to in the body of the complaint.

Although not specifically named in the style of the complaint, the Clerk is directed to issue summons to Jeff Hudson, Bobby Tidwell, and Jeff Beecham, all employees of the united States Department of Agriculture, and to return the issued summons to the plaintiff for service. The Clerk is directed not to issue summons on the remaining unless otherwise ordered by theis Court. The Plaintiff is directed to file motion asking that sum-

mons be issued for any and all of the remaining 11 people with support for her proposition that these people are necessary defendants in this lawsuit rather that simply defendants in previously litigated (no jury trial) lawsuits filed in this Court.

Signed thomas Higgins

3-92-0074

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

V

FILED 7-22-92

EDWARD MADIGAN U,S. Secretary
of Agriculture

ORDER

The parties shall submit a scheduling order in complaince with Rule 11, Local Rules of Court within twenty (20) days of the date of entery of this order on the docket

the failure to comply with this order sahll result in the dismissal of this action.

Signed Thomas Higgins

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED OCT 7 92

V

EDWARD MADIGAN U.S. SECRETARY
OF AGRICULTURE et al.,

ORDER

The order entered July 22, 2992 requiring the submission of scheduling order is vacated.

the Clerk is directed to transfer this action to the docket of the Honorable Robert Echols United States District Judge.

The parties are directed to insert Judge Echols' name below the case number on all papers submitted for filing with this court.

Signed Thomas Higgins

United States District judge

APPENDIX C

In the Circuit Court of lawrence County Tennessee.

92-5246 letter from Charles Holt.

Letter from Ben Boston submitting materials for Robert boston into the record in No.1974 Frank Hulen and Wilma Lesnansky v Earlene Polyak.

Letter from Mr. Jeff Beecham ASCS office Lawrenceburg, Tennessee stating loss of USDA burley tobacco quota on June 21, 1990.

BOSTON BATES & HOLT

Wm Boston
Paul Bates
Charles W. Holt
Ben Boston

Ms. Geneva Frisbee:
Clerk & Master
Lawrence county Courthouse
NBU
Lawrenceburg, Tennessee 38464

Re: Earlene Polyak v Boston et al.,
Southern District of florida
Case No. 91-8112 CIV-ZLOCH

Dear Ms. Frisbee:

Enclosed you will find a Final Order of Dismissal in this matter which my brother forwarded me and requested that I forward to you.Please do not become excited as we all know a final order of dismissal means nothing to Mrs. Polyak and there will certainly be additional pleadings to follow as long as she is alive. If you have any questions, please give me a call.

very truly yours,

BOSTON BATES & HOLT
B B
Ben boston

BB:cp
Enclosures

BEN:
Please Communicate to my Clients as underlined.
Thanks
Bd

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 91-8112-CIV -ZLOCH

FINAL ORDER OF DISMISSAL

EARLENE POLYAK
Plaintiff

v

WILLIAM BOSTON et al,
Defendants

This matter is before the Court upon the Motion to Dismiss, filed by William Boston, Boston Bates & Holt, Frank Hulen, Wilma Lesnansky, Robert Boston, Waller Lansden Dortch & Davis, and Jim Hamilton and Chancery and Circuit Courts; upon the Motion to dismiss pursuant to 12(b) FRCP(DE 4) filed by the Defendants Thomas Thomas Stack, and Henry Henry & Stack P.C.A Tennessee professional corporation upon federal Defendants Motion to Dismiss (DE 5 filed by Defendants, Jeff Beecham and Joseph Brown;and upon Federal Defendants Motion to Dismiss amended complaint and Memorandum of Law in Support threrof(DE 45) In ruling upon these matters, this Court has considered the entire file and is otherwise advised of its premises

Law Offices of
BOSTON BATES AND & HOLT

WM. E. Boston
Paul A. Bates
Charles Holt
Ben Boston

May 29, 1992

Ms. Yvonne Henderson, Case Supervisor
United States Court of Appeals.
538 P.O. & Courthouse
Cincinnati, Ohio 45202

RE: 92-5246 Polyak v Hamilton

Dear Ms. Henderson:

Now that I have had a chance to review the brief by the Office of the Attorney General for the State of Tennessee, I noticed that brief makes a reply for the Circuit Court of Lawrence County I do not see any need for me to file a reply brief on behalf of the Circuit Court.

I apoligize for any delay that my motion may have causes. I imAGINE I had been receiving notices of appeal in my capacity as County - Attorney I am intend to rely upon the able brief filed by the Attorney General's office.

Thank you for your cooperation.

Very Truley yours.

BOSTON BATES & HOLT

Signed.Charles W. Holt

U.S. DEPARTMENT OF AGRICULTURE
Agricultural Stabilization and Conservation Serv
LAWRENCE COUNTY ASCS OFFICE
826 N. Military Ave.
June 21, 1990

Dear Mrs Polyack, Phone 762-4226

Our records indicate that there has been no activity concerning the burley tobacco quota on the above farm number 3148 during the last four years. According to regulations governing burley tobacco quota, if the quota is neither grown or transferred during five year period,it will be forfeited permnately. As a result if you fail to either grow or transfer this quota in 1990 you will lose this 1946 pounds of quota permantly.

You are strongly urged to either grow or transfer this quota in 1990 to avoid it's loss. All transfers must be completed by July 2, 1990 deadline. there is abulletin board available to those wanting to post quota for transfer in the ASCS Office. This bulletin board has proven to be and effective method of contracting producers that wish to lease theri tobacco quota. If you have questions concerning the transfer

of burley tobacco quota please contact the Lawrence CountyASCS office at (615) 76-4226).

If you no longer own or operate the above farm(s) please inform this office in order that our records may be corrected. This will insure that a responsible person for the farm(s) is properly notified.

Sincerely,

Signed Jeff Beecham

County Executive Director

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

EARLENE POLYAK

FILED JULY 15 1992

V

EDWARD MADIGAN, U.S. Secretary
of Agriculture.

Plaintiff moves to forward the records in the above styled case for application for permission to appeal abuse of discretion and conflict of interest in order to present motion for summons to parties named in Amended Complaint and Demand for Jury Trial.

On the 17th of June.

Respectfully submitted,

Earlene polyak(313) 676-3364
3179 Middlefield Drive
Trenton, Michigna 48183

I certify that a true copy of this pleading has been mailed to Mr. Ernest Williams U.S. Attorney 11Nineth st, Nashville, Tennessee 37203

ORDER
MOTION DENIED TO PERMIT INTROLUCTORY APPEAL AT THIS TIME WOULD RESULT IN A waste of judicial remedies and piece meal ltitgation.
Signed Thomas Higgins
entered 7-15-92

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

EARLENE POLYAK

FILED MAR 19 1992

V

UNITED STATES TAX COURT AND
COMMISSIONER OF INTERNAL REVENUE

92-5245
92-5246

Nos. ~~91-5206~~ TITLE IV REVIEW 11
~~91-5451~~ Writ to File TITLE
91-2312 Writ to File TITLE
91-2237 TITLE IV 6th Cir
91-1212 Writ to File TITLE IV REVIEW Fifteen Briefs Hearing En Banc AND CONSOLIDA
2794-88 TAX COURT Decision held from 12/1/88 to 3/12/88

JOINT APPENDIX
from
U.S. TAX COURT
AND
COMMISSIONER OF INTERNAL REVENUE

EARLENE POLYAK
4063 Hood road
Palm Beach Gardens
Florida 33410
(407) 627-3564